

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

AMERICAN NATIONAL PROPERTY  
AND CASUALTY COMPANY,

Plaintiff,

v.

KATHLEEN SEBELIUS, AS  
SECRETARY OF HEALTH AND  
HUMAN SERVICES, *et al.*,

Defendants.

Case No. 2:11-CV-01182-KJD-CWH

**ORDER**

Plaintiff's complaint in interpleader was filed on July 20, 2011. Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to be made upon a defendant 120 days after the filing of the complaint. On November 21, 2011, the Court noted that while it appeared that Kathleen Sebelius had been appropriately served, Rule 4(i)(2) requires that the United States attorney for the district where the action is brought be served on Sebelius' behalf also. The 120 day time period for effecting service of the summons and complaint upon the remaining defendant and claimant as well as the United States attorney for the District of Nevada expired no later than November 17, 2011. On November 21, 2011, the Court ordered Plaintiff to file proof of service of

1 the summons and complaint no later than December 6, 2011, and warned Plaintiff that failure to do  
2 so would result in the complaint against Defendants being dismissed without prejudice.

3 Plaintiff has failed to file proof of service on Defendants, or to otherwise respond to the  
4 Court's order. Therefore, the Court dismisses Plaintiff's complaint without prejudice for failure to  
5 serve Defendants in compliance with Rule 4(m). The Clerk of the Court is ordered to close this case.

6 **IT IS SO ORDERED.**

7 DATED this 28<sup>th</sup> day of December 2011.

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Kent J. Dawson  
United States District Judge  
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